

**HEPWORTH, GERSHBAUM & ROTH, PLLC**  
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**FIRM PROFILE**

Hepworth, Gershbaum & Roth, PLLC, is a civil litigation firm dedicated to representing plaintiffs in class action lawsuits with an emphasis in bringing class and collective actions on behalf of the wage earner against companies who violate the Federal Labor Standards Act and/or State Labor Laws. In addition to prosecuting unfair labor practices, Hepworth, Gershbaum & Roth, PLLC, is actively handling cases including violations of the Americans with Disabilities Act and racial discrimination/wrongful termination cases.

The firm was formed by experienced litigators, each partner having successfully litigated numerous cases, and handling complex litigation resulting in settlements totaling tens of millions of dollars. The attorneys of Hepworth, Gershbaum & Roth are actively sought by other attorneys to assist as co-counsel to prosecute cases within the State of New York.

Our attorneys have lectured at continuing legal education courses and have published articles on civil litigation subjects. The attorneys at Hepworth, Gershbaum & Roth, PLLC, continue to actively lobby for consumer rights and injured victims' rights to insure that a person's right to a safe environment is upheld and continues to be protected under the law.

**WAGE AND HOUR LITIGATION**

Hepworth, Gershbaum & Roth, PLLC, is dedicated to fighting for employees' rights in cases involving unfair employment practices, overtime wage violations, misclassification of employees, and the other benefits to which employees are entitled under the Federal Fair Labor Standards Act (FLSA) and State Labor Laws. The firm enjoys a strong reputation for representing employees in many areas of employment law.

Hepworth, Gershbaum & Roth, PLLC, offers our clients over 70 years of combined litigation experience in both state and federal courts. The firm has a substantial class action and collective action litigation practice. We are currently lead counsel and/or co-counsel in cases against Fortune 500 companies as well as against smaller employers.

The firm has settled, litigated and is currently handling numerous matters in federal and state courts across the country. Currently, the firm is lead counsel and/or co-counsel in cases including: *Youngblood v. Family Dollar*, 1:09-cv-03176 (S.D.N.Y) (co-counsel on a misclassification case recently certified under Rule 23 as a class action); *Hegab, v. Family Dollar Stores, Inc.*, 1:11-cv-01206 (D.N.J.) (co-counsel on a wage and hour misclassification matter presently pending); *Fermin v. Rite Aid of New York, Inc.*, 1:08-cv-11364 (S.D.N.Y.) (co-counsel on a wage and hour misclassification matter presently pending); *Ibea v. Rite Aid Corporation*, 1:11-cv-5260 (S.D.N.Y) (co-counsel on a misclassification case recently certified under FLSA 216(b) as a collective action); *Fermin v. Rite Aid of New York, Inc.*, 1:08-cv-11364 (S.D.N.Y.) (co-counsel on a wage and hour misclassification matter presently pending); *Cunningham v. EDS*, 1:06-cv-5260 (S.D.N.Y) (co-counsel on a misclassification case previously certified under FLSA 216(b) as a collective action); *Ferreira v. Modell's Sporting Goods, Inc., et. al.*, 1:11-cv-02395 (S.D.N.Y.) (co-counsel on a wage and hour misclassification matter presently pending); *Charles v. Nationwide Mutual Insurance Company, Inc.*, 1:09-cv-0094 (E.D.N.Y) (lead counsel on a wage and hour "off the clock" claim resolved and presently pending approval); *Jenkins v. TJX Companies, Inc.*, 1:10-cv-3753 (E.D.N.Y.) (co-counsel on a wage and hour misclassification matter presently pending); *Diaz v. Price Foods Corp.*; 1:10-cv-6484) (wage and hour case resolved under a confidentiality agreement); *Dickerson-Muhammed v. West Customer Management Group, LLC.*, Index No. 21322/2008 (Sup. Ct. County of Queens) (lead counsel on a wage and hour case resolved under a confidentiality agreement); *Andrade v. JPMorgan Chase & Co. et al*, 1:08-cv-03703 (E.D.N.Y) (wage and hour case resolved under a confidentiality agreement); *Caballero v. Zaloumis Contracting Service, et.al*; 1:11-cv-01121 (S.D.N.Y.) (co-counsel on a wage and hour matter resolved and presently pending approval).

## **ATTORNEY PROFILES**

### **Marc S. Hepworth**

Marc S. Hepworth is a founding partner in Hepworth, Gershbaum & Roth, PLLC, a firm dedicated to protecting the rights of the individual against corporate defendants. Mr. Hepworth specializes in collective and class actions as well as representing plaintiffs who have suffered catastrophic injuries through the wrongful conduct of others. He has successfully litigated and recovered millions of dollars for the clients he represented and has been the attorney for thousands of plaintiffs fighting against corporations throughout the United States. Mr. Hepworth is Lead Counsel or Co-Counsel in numerous class actions presently before this Court. Prior to forming Hepworth Gershbaum & Roth, PLLC, Mr. Hepworth was of counsel to Roth & Roth, LLP, and acted as a solo practitioner. He has been active in lobbying for consumer rights to insure that the laws are not changed to hurt those who need it most. In addition, Mr. Hepworth has been published on numerous occasions.

Mr. Hepworth graduated from Binghamton University in 1993 and received his law degree from Benjamin N. Cardozo School of Law in 1998. He is admitted to practice in New York State Courts as well as the Eastern and Southern District Courts of New York. Mr. Hepworth is a member of the following Professional Associations and Organizations: New York State Trial Lawyers Association, American Association of Justice, National Employment Lawyers Association, National Employment Lawyers Association/New York, National Association of Consumer Advocates and the Association of the Bar of the City of New York City.

### **Charles Gershbaum**

Charles Gershbaum is a founding partner in Hepworth, Gershbaum & Roth, PLLC, a firm dedicated to protecting the rights of the individual against corporate defendants. Mr. Gershbaum has been a civil litigator for over twenty years. The first decade of practice was spent in court on a daily basis, fighting for individual rights and litigating cases from inception through trial and appeal. Mr. Gershbaum has represented thousands of plaintiffs fighting against corporations and/or some of the largest insurance companies and municipalities in New York, obtaining

justice either through settlement or verdict in both state and federal venues. After the first decade of practice, Mr. Gershbaum was a founding partner in the firm Gershbaum and Weisz, PC, located in lower Manhattan. The firm represented plaintiffs exclusively.

Mr. Gershbaum is proud to be an active member of the New York State Trial Lawyers as well as a trial lawyer committee member, who has dedicated his time to preserving the rights of the individual against large defendants and/or municipalities as well as lobbying for consumer rights. In addition, Mr. Gershbaum has been published on numerous occasions and has appeared in both the Jury Verdict Reporter, the New York Law Journal as well as been profiled in the Kyodo News based in Tokyo, Japan.

Mr. Gershbaum graduated from Yeshiva College in 1987 and received his law degree from the Benjamin N. Cardozo School of Law in 1990 having been a member and editor of the Cardozo ILSA Journal of International Law.

Mr. Gershbaum is a member of the following Associations and Organizations: New York State Trial Lawyers Association, American Association of Justice and the New York State Bar Association. He is also actively involved in various community causes and is currently a board member of Congregation Ohr Torah, Edison New Jersey and Executive Board member of Rabbi Pesach Raymon Yeshiva, Edison, New Jersey.

### **David A. Roth**

David A. Roth is a founding partner in Hepworth, Gershbaum & Roth, PLLC, a firm dedicated to protecting the rights of the individual against corporate defendants. Since 1991, Mr. Roth has been representing plaintiffs who have had been injured, had their civil rights deprived or have duly earned wages and benefits which were denied them by their employers. Mr. Roth has represented thousands of plaintiffs in actions against corporations, insurance companies, and municipalities. He has prosecuted and tried numerous civil cases in the courts in and around the City of New York at the state, appellate and federal venues. As a respected trial attorney, Mr. Roth is constantly sought out as co-counsel and trial counsel by fellow attorneys both in and out of the State of New York. Additionally, Mr. Roth has been admitted in both Virginia and California pro hac vice to try cases in those venues.

Mr. Roth has lectured on different aspects of civil litigation and has been published in the New York State Trial Lawyers' publication regarding the complex issues that arise when dealing with and trying traumatic brain injury cases.

Mr. Roth graduated from the State University of Buffalo in 1988 and received his law degree from Albany Law School in 1991. Mr. Roth is a member of the American Association for Justice as well as the New York State Trial Lawyers Association where he is active in lobbying efforts as well as the drafting and reviewing new legislation. Mr. Roth currently serves on the Board of Trustees for the New York State Trial Lawyers Association.

Mr. Roth has lectured in various legal venues as well as published articles on different legal topics. Mr. Roth, has lectured and chaired numerous continuing legal education seminars both in and out of the State of New York, on various topics including: Trial tactics for the New York State Trial Lawyers Association; General litigation for the Queens Bar Association; Technology in the Courtroom, for the New Jersey Association for Justice; Municipal liability for both the New York State Trial Lawyers Association and New Jersey Association for Justice; and created chaired and lectured at a two day lecture known as the Subway Series, a seminar for the New York State Trial Lawyers Association regarding the complexities and nuances of litigating against Transportation Authorities. Mr. Roth has authored articles for the New York State Trial Lawyers quarterly publication titled the "Bill of Particulars" including: The Neuropsych Exam: The Plaintiff's Right to a Representative; Getting In Through the Back Door – The Transit Authority's Interlock Defense Exposed; and Deposing the Corporate/Municipal Record Keeper in a Personal Injury Case.